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08/817,438	10/02/97	NATHAN	G 871-36

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EXAMINER

BERHE, A

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

09/03/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/817,438

Applicant

GUY NATHAN

Examiner

Alexander Berhe

Group Art Unit

2711



☒ Responsive to communication(s) filed on May 20, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 11-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 11-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Specification***

A substitute specification including claims is required pursuant to 37 CFR 1.125(a) because “no new matter” is not included.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 11, 15, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linfoot (GB # 2,259,398 A) in view of Fenwick et al (US # 4,947,22).

3. Regarding claim 11, Linfoot discloses a musical reproduction system for use in a domestic or social environment which includes a monitor or screen coupled to a musical reproduction apparatus whereby selection of recordings displayed on the monitor or screen is used to direct selection or play of a given recording on the musical reproduction unit (Abstract). Linfoot also discloses with the playing of a song an album cover and/or information relating to the recording on the album is displayed on the screen simultaneously (Page 3, lines 13-15). Linfoot fails to disclose that the CD-jukebox is connected to a plurality of monitors through a cable network. However, Fenwick discloses a video distribution system that transmits selected video programs to a number of independently controlled video monitors. Each video monitor 102 is within a branch of the system (i.e., within a particular group of monitors) and has a tuner that is tuned to receive the video signal in a distinct one of the frequency bands. In effect, the transmission cable for each group of video monitors has a separate transmission channel (i.e., frequency band ) for each of the channel (Column 4, lines 11- 17). Fenwick further discloses that the remote controller 120 generates and transmits “ video selection requests”. Each video selection request contains digital values which denote (1) the associated monitor, (2) the item selected from the menu currently being displayed on the monitor. Fenwick also discloses that the central controller’s accounting software charges the user if the user watches the MOVIE channel for more than five minutes (see column 9, lines 5-27). Therefore, it would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify Linfoot by distributing jukebox selections across the network as suggested by Fenwick so that the person at remote location can listen music and view video from the jukebox through a cable transmission.

Regarding claim 15, Linfoot discloses a musical reproduction system for use in a domestic or social environment which includes a monitor or screen coupled to a musical reproduction apparatus whereby selection of recordings displayed on the monitor or screen is used to direct selection or play of a given recording on the musical reproduction unit (Abstract). Linfoot also discloses with the playing of a song an album cover and/or information relating to the recording on the album is displayed on the screen simultaneously (Page 3, lines 13-15). The applicant claims a video controller and an audio controller circuit for effecting video and audio production respectively. It is inherent that Linfoot has a video and audio processor as claimed within the jukebox in order to process the video and audio output as discloses at page 5, lines 7-12.

Regarding claim 16, Linfoot discloses that television 1 may be provided with a touch screen matrix such that an individual can select a recording to be played simply by touching information relating to the recording displayed on the screen (Page 7, lines 25-28).

Regarding claim 18, Fenwick discloses that the central controller's accounting software charges the user if the user watches the MOVIE channel for more than five minutes (see column 9, lines 5-27).

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Regarding claim 20, the claimed method steps which are parallel the apparatus elements mentioned above in rejection of claim 11, are likewise rejected.

Claims 12, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linfoot (GB # 2,259,389 A) in view of Fenwick (US# 4,947,244) and Thompson (US # 5,236,199).

Regarding claim 12, neither Linfoot nor Fenwick fails to show the selection of a music from the plurality of music selection using the telephone key pad to select from plurality of music selection which are displayed on the screen. Thompson discloses a telephone keypad signaling to mimic the computer mouse attributes of directional movement, left and right triggering buttons, and additional function such as escape and button lock (Column 4, lines 15-35). Thompson also discloses in Fig 1 a standard telephone DTMF keypad signaling unit 101 is connected via a private or public telephone network 104. It would be obvious to one ordinary skill in the art at the time the invention was made to modify the selection of a music from screen using a telephone keypad to cause the movement of the cursor instead of using a mouse.

Regarding claim 14, Thomson discloses in Fig. 1 a program computer 109 that controls the movement of the cursor upon when the telephone key pad is pressed (see Column 5, lines 8-21).

Regarding claim 21, the claimed method steps which are parallel the apparatus elements mentioned above in rejection of claim 12, are likewise rejected.

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Regarding claim 22, Thompson discloses that the protocol conversion system determines whether the call is valid user via a variety of common methods, such as automatic number identification (IAN), credit card number entry and verification, password or account number entry, live operator, etc., and the associated database lookup (Column 5, lines 8-21).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linfoot (GB # 2,259,389 A) in view of Fenwick (US# 4,947,244) and McCally et al (US# 5,191,410).

Regarding claim 13, neither Linfoot nor Fenwick fails to show voice assistance which guides the user in pushing the buttons of telephone set. McCally discloses a digital interactive multimedia presentation and communication system in which a subscriber enters codes via standard Touch-Tone telephone keypad in response to menus, graphics, and audio which are presented on a television screen, and by doing so selects a presentation which comprises video images and audio commentary about particular item that are displayed on the TV screen. It would be obvious to one ordinary skill in the art at the time the invention was made to further modify Linfoot in view of Fenwick by adding voice assistance using the telephone set as taught by McCally in order to help the user to get instruction on how to select music using the telephone keypad.

5. Claims 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linfoot (GB # 2,259,389A) in view of Fenwick (US# 4,947,244) and Frank et al. (US# 5,341,350) .

Regarding claim 17, neither Linfoot nor Fenwick discloses a money changing device. Frank discloses in Fig 2, the frontal face of housing 40 is provided with a slot 44 for the insertion

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of magnetically coded cards to a payment unit (column 4, lines 50-60). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify Linfoot in view of Fenwick by adding a money changing device as taught by Frank so that the music delivery system can provide a readily accessible user access through in order to pay for the selected program.

Regarding claim 19, neither Linfoot nor Fenwick discloses how the music is selected from the plurality of music selection. Frank discloses that a viewing screen 24 displays, e.g., according to title, artist, and popularity ranking (Column 4, lines 15-18). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify Linfoot in view of Fenwick by having a menu on the television display which categorizes the selection according to title, artist, popularity ranking, etc... as taught by Frank so that the user can have different ways of selection music from the screen.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Berhe whose telephone number is (703)305-2429. The examiner can normally be reached on Monday -Friday from 8:30 am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703)305-4380. The fax phone number for this group is (703)308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-9000.

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*AB*

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ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700